

REMARKS

Claims 15-22, 24, 26, 29 and 33 are allowed. No further comments with respect thereto are deemed necessary.

Similarly, with the indication of the allowability of claims 9, 10 and 12, no further comments need to be directed thereto.

The rejection of claim 5 under 35 USC §112, second paragraph, has been addressed by the appropriate amendment to claim 5, and the inclusion of the deleted subject matter in new claim 50 that further limits claim 5. No new issues are therefore raised by this amendment.

The rejection of claims 1, 4, 7, 32 and 39 as being anticipated by Cattanach et al. under 35 USC §102(b), of claim 8 as being anticipated by or obvious over Cattanach et al. under 35 USC §102(b) and/or §103(a), of claims 2, 3, 13 and 14 as being unpatentable over Cattanach et al. in view of Jarnverk under 35 USC §103(a), of claims 5, 6, 11, 23, 25, 27 and 28 as being unpatentable over Cattanach et al. under 35 USC §103(a) are traversed, and reconsideration of each of the five rejections is respectfully requested.

Claim 1 has been amended to make specific that which already is implied by the existing claims (e.g., claim 2), namely that the sheets being utilized comprise sheet metal, not plastics. To that end, claim 2 has now been incorporated into claim 1. The Office Action recognizes as much in its rejection of claim 2 by the Jarnverk reference which relates to a steel article. Indeed, the Office Action is under the misimpression that the Cattanach et al. patent itself

involves metal by its assertion at page 5 that "Cattanach et al. teach that the metal used is superplastic...". Clearly, this is not the case which is why, of course, the combination of the Cattanach et al. and Jarnerk teachings is inappropriate under Section 103(a). Applicants have previously pointed out why the hypothetical combination of those two teachings is not only based upon hindsight but, to one skilled in the art, would have been incongruous. The rejection is based upon a fundamental flaw, namely that the Cattanach et al. composite involves metal. It involves no such thing. The Cattanach et al. composite is a plastics composite. That is all. The idea of attaining an austenitic state is unachievable on the Cattanach et al. structure, and the suggestion that one of ordinary skill in the art would have turned to the production of hardened steel articles is not convincing.

Claim 1 now makes clear that the method involves metal sheets (or sheet metal). That much is clear from the claims (as in original claim 2) as well as the teachings found in the specification, for example, at paragraphs [0018], [0025], [0026] and [0031].

With regard to the Examiner's comments found at page 8, paragraph 15, applicants submit the proof of the filing of their certified priority document in the form of the postcard receipt dated January 7, 2002. The record now implies that the applicants did not supply the certified priority record and should be corrected to reflect that they did along with a request for a new copy. It should come as no surprise that the Office lost the certified priority document given that

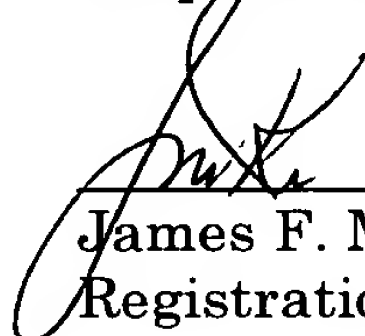
applicants had to reconstruct the entire file due to its loss by the Office. Please see the Notice under 37 CFR §1.251 mailed December 2, 2004. An appropriate acknowledgement of PTO error along with the consequent delay and inconvenience is more appropriate than a statement that applicant has not filed a certified copy.

Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 095309.50476US).

Respectfully submitted,



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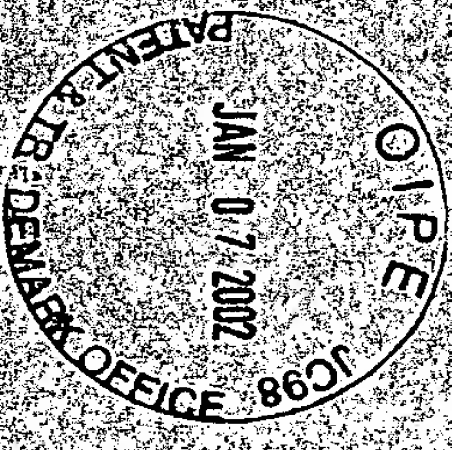
RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.63

Atty Docket: 225 / 50476
Inventor(s): MARTIN BRODT ET AL
Serial No.: 09/972,195
Filing Date: OCTOBER 9, 2001 CAM #: 95309/236

Today's Date: January 7, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Copy of Notice to File Missing Parts of Application
- ☒ Executed Declaration and Power of Attorney
- ☒ Executed Assignment
- ☒ Certified Priority Document
- ☒ Check No. 222606 in the amount of \$1404.00
- ☒ Check No. 222605 in the amount of \$40.00



DUE DATE: January 7, 2002

DDE/bmf

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